

tendent of Public Instruction be not furnished with the complete and full scholastic returns of each and every county in this State, for the year 1873, upon which to make the apportionment, he shall then proceed to make the same upon the scholastic returns of September 1, 1871."

On motion of Senator Wood, House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," was taken up out of its regular order, under a suspension of the rules.

The amendments of the committee were concurred in.

The bill, as amended, was then read third time and passed.

Senator Westfall moved to suspend the rules to take up Senate bill No. 155, "An act to define the duties and prescribe the powers of mayor and boards of aldermen of towns and cities," and which was referred to the Judiciary Committee. Lost.

Senator Westfall, for Committee on Enrolled Bills submitted the following report: *Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 50, "An act making an appropriation to pay judgment in favor of E. M. Smith against the State of Texas;" also, Senate joint resolution No. 118, "instructing the Attorney General to bring suit against James Davidson, late Adjutant General, and to prevent the sale of property in this State held in his name until the termination of said suit;" and find the same correctly enrolled, and have this day at 10:30 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Stirman, chairman of Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 107, "An act to regulate and define legal publications in certain cases," have carefully examined and considered the same, and instruct me to report it back, with the recommendation that it do not pass.

W. B. STIRMAN, Chairman.

Senator Parker moved that the rules be suspended to take up Senate joint resolution No. 88, "To call a constitutional convention." Carried by the following vote: Yeas—Senators Allison, Ball, Bradshaw, Bradley, Burton, Camp, Davenport, Dwyer, Ellis, Grant, Flanagan, Friend, Hobby, Morris, Moore, Parker, Stirman and Traylor—18.

Nays—Senators Dillard, Ireland, Randle, Russell, Swift, Westfall and Wood—7.

Absent, not voting—Senators Culbertson and Ledbetter.

The majority and minority report on said joint resolution, was then read:

Senator Swift offered to amend as follows: Amend by striking out "thirty from the State at large." Adopted.

Senator Wood offered the following amendment: Strike out "ninety" wherever it occurs; and insert instead thereof "thirty."

Senator Ireland offered a substitute for the whole matter under consideration, the title of the substitute is, "An act to provide for the calling of a constitutional convention."

Pending the discussion of the bill, on motion of Senator Ireland, the Senate adjourned to 10 A. M., Monday.

THIRTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, February 23, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Dr. Crane, of Independence.

The journal of Saturday was read and adopted.

Senator Morris presented a petition from school teachers of Hunt county, asking that the Legislature "will *speedily* make relief for this essential and important class of the community." Read first time and referred to Committee on Education.

Senator Wood introduced a bill entitled "An act regulating the admissibility of certain written instruments in evidence in the courts of this State." Read first time and referred to the Judiciary Committee.

Senator Swift presented additional charges against Judge J. B. Williamson, of the Sixth Judicial District. Read, and, on motion of Senator Ireland, ordered spread on the journals and sent to the House.

ADDITIONAL CHARGES AGAINST JUDGE WILLIAMSON.

Under the right reserved in the first statement of reasons given for asking the removal of J. B. Williamson as Judge of the Sixth Judicial District, the following are submitted as additional reasons for his removal:

The last charge presented against the said J. B. Williamson as judge, etc., in the original address, viz: That touching the approval of the bond of S. H. Russell, dated the nineteenth of November, 1872, is withdrawn.

The said J. B. Williamson has so demeaned himself as Judge of the Sixth Judicial District; that he has brought the administration of the law in said district into disrepute to such an extent that the people, the bar, and the litigants, in said district,

have lost confidence in the administration of the law, and the administration of justice in said district, wherefore and by reason of such conduct, the said J. B. Williamson is an unfit person to be a district judge of the State of Texas.

That the said J. B. Williamson as Judge of the Sixth Judicial District has in the exercise of his judicial functions been negligent, vindictive, partial, corrupt and tyrannical.

He was vindictive in the case of the State v. F. M. Boynton in Rusk county, as before shown; was vindictive and partial in the case of the State v. C. G. Stevens in Harrison county, and in the case of the State v. Thomas Allen and other cases which will be shown in evidence.

He was partial, vindictive and corrupt in the matter of taking the bonds of the defendants in the cases of the State v. H. J. Hearsey, and the State v. Davis, occurring in Harrison county in the month of, 18.., wherein he was vindictive toward the said Hearsey, partial toward the said Davis, and corrupt as to both.

He was negligent and corrupt in taking and retaining without action the petition in the case of the executors of Abner A. Cook v. the Southern Pacific Railroad Company (wherein an injunction was prayed for) for the period of now nearly five years, in the meantime permitting said railroad to go forward and do and perform the things prayed against in said petition.

He was tyrannical in the matter of fining W. H. Pope, as heretofore shown, and in many other instances which can and will be shown by the evidence.

That said Williamson on, to-wit: the seventeenth day of December, A. D. 1867, did take and subscribe a certain oath, commonly known and called the "ironclad oath," which he was required to take before entering upon the discharge of his duties as district judge, which oath he well knew he was required by the terms thereof to swear that he had not sought, accepted or held office under the government of the Confederate States, and could not take and swear truly, because he knew the truth to be that he had sought and accepted office under the government of the Confederate States, and accordingly endorsed on the reverse side of said oath the statement that he had sought and accepted the office of clerk of the District Court of Harrison county, Texas; that afterwards, to-wit, on the eighteenth day of October, 1869, the said Williamson, as district judge, took and subscribed the said oath without any qualification, explanation or endorsement whatever, well knowing that the provisions thereof were not true as to himself. By reason whereof the said Williamson is morally unfit to hold the high office of district

judge.

That the said J. B. Williamson, in violation of the Constitution of the State of Texas, did, in the year 1872, hold and exercise at the same time the functions of two offices not allowed under the said Constitution, to-wit: the office of District Judge of the Sixth Judicial District of the State of Texas, and the office of school director for the county of Harrison in said State, for which said Williamson should be removed from the office of district judge.

That the said J. B. Williamson acted ignorantly, improperly, or corruptly in this. On the fifth day of January, A. D. 1874, a petition for an injunction against the collection of the school tax for the year 1872, on behalf of the Texas and Pacific Railway Company and the other tax payers of Harrison county, was presented to the Hon. M. L. Crawford, Judge of the Seventh Judicial District. The injunction was granted by Judge Crawford. It was alleged in the petition that said J. B. Williamson was one of the board of school directors for Harrison county which levied said tax, by reason whereof he was incompetent to act as judge in reference to any matter alleged or involved in said petition. Notwithstanding this said Williamson has made several orders to hear a motion to dissolve said injunction.

The said J. B. Williamson acted ignorantly or corruptly in this: That during the month of January, 1872, the said Williamson issued a writ of *habeas corpus* directed to the sheriff of Nacogdoches county, requiring him to produce the bodies of Marion Grimes and others therein named; said prisoners and said sheriff residing about seventy-five miles from Marshall, the residence of said Williamson; that said sheriff obeyed said writ, and showed by his return thereon that he held said prisoners by virtue of legal and proper warrants, legally and properly issued, for the arrest of said prisoners, charged with crimes of murder and assault with intent to murder, in the county of Nacogdoches, and in the Fourth Judicial District, the judge of which resides within thirty-five mile of Nacogdoches; that the said Williamson did not investigate said cause as required by law, suppressed the records in regard to said writ, immediately discharged said prisoners, and ordered the said sheriff to pay the costs of said proceedings.

All which actings and doings of said Williamson were and are incompatible with the position and dignity of a judge of the district court in the State of Texas; bringing the administration of the law into disrespect, making it uncertain, oppressive and partial, contrary to the good order and peace of society, and against the peace and dignity of the State of Texas.

Senator Friend, for Committee on Engrossed Bills, made the following reports:
Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build courthouses and jails and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same, and find it correctly engrossed.

W. R. FRIEND, for Committee.

Hon. R. B. Hubbard, President of the Senate:
 Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 91, "An act for the relief of the purchasers of University lands, and to validate the patents heretofore issued," beg leave to report the same correctly engrossed.

W. R. FRIEND, for Committee.

Senator Bradshaw presented a petition from school teachers of Ellis county, asking the Legislature to "make an appropriation to pay their school vouchers from January, 1872, to January, 1873." Read and referred to Committee on Education.

Senator Ireland introduced a bill, entitled "An act supplemental to, and amendatory of the several acts concerning justices' courts when sitting as an examining court." Read first time and referred to Judiciary Committee.

Senator Russell introduced a bill, entitled "An act to provide for the removal of certain officers." Read first time and referred to the Judiciary Committee.

Senator Moore introduced a bill, entitled "An act to authorize justices of the peace to employ assistant assessors in certain cases." Read first time and referred to Judiciary Committee.

Senator Moore introduced a bill, entitled "An act to validate assessments made by assistant assessors." Read first time and referred to Judiciary Committee.

Senator Ireland moved that a committee be appointed on the part of the Senate to act with a like committee on the part of the House, to take into consideration the propriety of calling a constitutional convention; and that they report the result of their joint labors to the two houses for their action.

Senator Wood offered the following resolution:

Resolved, That it is the sense of the Senate that it is not now expedient, or good policy, for the present Legislature to call a constitutional convention.

Declared out of order.

Senator Swift offered the following resolution, as a substitute for the one offered by Senator Ireland:

Resolved, That a joint special committee of five from the Senate, and seven from the

House, be appointed to take into consideration the original resolution and report, together with the substitute on constitutional convention, and report upon the same as early as practicable.

The resolution being accepted by Senator Ireland, and the ayes and nays being demanded, the vote stood thus:

Yeas—Senators Friend, Ireland, Moore, Swift and Wood—5.

Nays—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Flanagan, Hobby, Morris, Parker, Randle, Russell, Stirman, Trolinger and Westfall.—21.

Absent not voting—Senators Culberson and Ledbetter.

The special order being the substitute offered by Senator Ireland, for Senate joint resolution, No. 88, "to call a Constitutional Convention," entitled "An act to provide for the calling of a Constitutional Convention," it was taken up and considered.

A message was received from the Governor.

The pending substitute was lost by the following vote:

Yeas—Senators Allison, Ball, Dwyer, Ellis, Friend, Ireland, Moore, Randle, Stirman, Trolinger, Westfall and Wood—12.

Nays—Senators Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Erath, Flanagan, Hobby, Morris, Parker, Russell and Swift—14.

Senator Wood moved that the following amendment, offered by him on Saturday, to Senate joint resolution No. 88, "to call a constitutional convention," be adopted: Amend by striking out "ninety" wherever it occurs, and insert instead thereof "thirty." Lost by the following vote:

Yeas—Senators Allison, Davenport, Dwyer, Ellis, Erath, Ireland, Morris, Parker, Russell, Swift, Westfall and Wood—12.

Nays—Senators Ball, Baker, Bradshaw, Bradley, Burton, Camp, Dillard, Flanagan, Friend, Hobby, Moore, Randle, Stirman and Trolinger—14.

Absent not voting—Senators Culberson and Ledbetter.

Senator Camp moved to adopt minority report, which was against calling a constitutional convention.

The following was the result of the vote on the adoption of said minority report:

Yeas—Senators Allison, Baker, Bradley, Camp, Ellis, Erath, Friend, Morris, Parker, Randle, Russell, Swift and Wood—18.

Nays—Senators Ball, Bradshaw, Burton, Davenport, Dillard, Dwyer, Flanagan, Hobby, Ireland, Moore, Stirman, Trolinger and Westfall—13.

The vote being evenly divided, and there consequently being no decision of the Senate, the President cast his vote in the negative. The minority report was therefore lost.

Senator Russell moved to go into executive session. Lost.

A message from the House was received, announcing that the House refused to accede to Senate amendment to House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873."

Senator Bradley moved that the Senate stand adjourned to 10 o'clock A. M. tomorrow. Carried by the following vote:

Yeas—Senators Ball, Baker, Bradley, Dillard, Dwyer, Ellis, Erwin, Friend, Ireland, Morris, Moore, Parker, Russell, Swift and Wood—15.

Nays—Senators Allison, Bradshaw, Barton, Camp, Davenport, Flanagan, Hobby, Randle, Stirman, Trolinger and Westfall—11.

THIRTY-FIFTH DAY.

SENATE CHAMBER, ()
AUSTIN, February 24, 1874.)

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Dr. Crane, of Independence.

Journal of yesterday read and adopted.

A message was received from the House announcing the passage of the following bills: House bill No. 151, "An act making appropriation to pay costs due sheriffs, clerks and attorneys, in felony cases, in district courts for 1873, and previous years; to pay the fees of justices of the peace and other peace officers, in criminal prosecutions for 1872, and previous years; and to pay justices of the peace for assessing the taxes for 1873;" House bill No. 169, "An act to amend section one of 'An act regulating elections,'" approved March 31, 1873; House bill No. 210, "An act to fix the rate of mileage and *per diem* of witnesses before the various committees of the two Houses of the Fourteenth Legislature;" House bill No. 211, "An act making an appropriation to pay the mileage and *per diem* of witnesses before the committees of the two Houses, and before the Senate in cases of impeachment, of the Fourteenth Legislature."

Senator Russell moved that the message of his Excellency, the Governor, sent in on yesterday, be taken up and read. Carried.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, ()

AUSTIN, February 23, 1874.)

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointment, to-wit:

Edward Dougherty, of Cameron county,

to be judge of the District Court for the Fifteenth Judicial District.

Respectfully,

RICHARD COKE, Governor.

On motion of Senator Russell, the Senate went into executive session.

IN SENATE.

The secretary of the Senate was instructed to inform his Excellency the Governor, that the Senate does advise and consent to the appointment of Edward Dougherty as judge of the District Court for the Fifteenth Judicial District.

Senator Flanagan, for Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 159, "An act to amend section ten, of an act to provide for registration of voters, and repeal 'An act to provide for a special registration of voters, under the the provision of an act to authorize counties, cities and towns to aid in the construction of railroads,'" etc., approved May 31, 1871, have had the same under consideration, and instruct me to report the same back, with the following amendments, and recommend that it do pass:

Strike out in caption of bill "May 31, 1871," and insert "April 29, 1873."

In section one, strike out "May 31, 1871," and insert "April 29, 1873."

FLANAGAN, for Committee.

Senator Ball, for majority on the Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

I am instructed by a majority of the Committee on Internal Improvements, to report the accompanying substitute for a report made to Senate Bill No. 136, "An act to extend the time for the construction of works of internal improvements," and ask permission to withdraw the report heretofore made. Respectfully submitted,

BALL, for Committee.

The title of the substitute referred to is, "An act to extend the time for the construction of internal improvements."

Senator Parker introduced a bill, entitled "An act to amend section one of an act entitled 'An act prescribing the times of holding general elections.'" Read first time and referred to the Judiciary Committee.

Senator Bradshaw introduced a joint resolution, "to amend section ten of the Constitution." Read first time and referred to Committee on Constitutional Amendments.

A message was received from the House announcing the passage of Senate bill No. 125, "An act to organize the county of Kinney."

Senator Wood introduced a bill, entitled